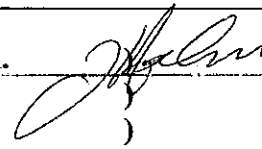


FILED

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE
RICHARD R. FOOKER, CLERK

STATE OF TENNESSEE, ex rel.  D.C.
ROBERT E. COOPER, JR.,
Attorney General and Reporter,)

Petitioner,)

v.)

Case No. 0912925

SCHERING-PLOUGH)
CORPORATION, a New Jersey)
corporation, MERCK & CO., INC., a)
New Jersey corporation, and MSP)
SINGAPORE COMPANY, LLC, a)
New Jersey limited liability company,)

Respondents.)
)
)

PETITION

The State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General and Reporter, (hereinafter "Attorney General"), at the request of the Director of the Division of Consumer Affairs of the Department of Commerce and Insurance (hereinafter "Division"), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and respectfully shows the Court as follows:

1. The Division and the Attorney General, acting pursuant to the Act, have investigated in conjunction with a multistate working group of Attorneys General certain acts and practices of Schering-Plough Corporation, a New Jersey corporation, Merck & Co., Inc., a New Jersey corporation, and MSP Singapore Company, LLC, a New Jersey limited liability company (hereinafter "Respondents").

2. Upon completion of such investigation, the Division contends that certain of Respondents' acts and practices relating to the Respondents' promotional and marketing practices regarding the prescription drugs Vytorin® and Zetia®, the Respondents' practices related to Data Safety Monitoring Boards, the Respondents' publication of clinical trials and disclosure of clinical trial results, and the Respondents' support of continuing medical education may constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of Tenn. Code Ann. § 47-18-104(a), and further contends that such acts and practices may constitute violations of Tenn. Code Ann. § 47-18-104(b), (b)(5), (b)(7), and (b)(27).

3. Respondents deny the allegations of Paragraph 2.

4. Upon completion of the multistate investigation, the Division requested that the Attorney General negotiate, and if possible accept, an Assurance of Voluntary Compliance in accordance with the provisions set forth in Tenn. Code Ann. § 47-18-107.

5. The Attorney General entered into multistate negotiations with Respondents and the parties have agreed to, and the Division has approved, the Assurance of Voluntary Compliance filed contemporaneously herewith.

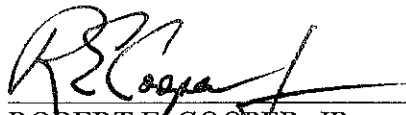
6. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

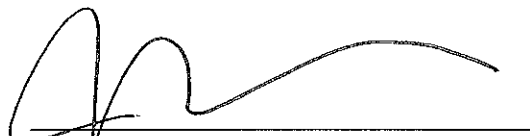
7. The Division, the Attorney General, and the Respondents have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.
2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

Respectfully submitted,


ROBERT E. COOPER, JR.
Attorney General and Reporter
B.P.R. No. 10934


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I hereby certify that this is a true copy
of original instrument filed in my office
this 15th day of July 20 09
By RICHARD R. BOOKER Clerk
Deputy Clerk